



Form PTO-1595 (Rev. 03/05)  
OMB No. 0651-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

## RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

### 1. Name of conveying party(ies)

PROBIDRUG AG

Additional name(s) of conveying party(ies) attached?  Yes  No

### 3. Nature of conveyance/Execution Date(s):

Execution Date(s) 21 Mar 2005, 05 April 2005

- Assignment  Merger  
 Security Agreement  Change of Name  
 Joint Research Agreement  
 Government Interest Assignment  
 Executive Order 9424, Confirmatory License  
 Other \_\_\_\_\_

### 4. Application or patent number(s):

This document is being filed together with a new application.

#### A. Patent Application No.(s)

11/042,562,60/368197,10/117022,11/022087,09/932546,10/970526  
10/200919,  
10/361956,10/727209,09/745776,10/735582,09/745883  
09/682968,10/246817,10/667200,60/443417,10/839122,  
60/467914,60/499535,60/507408

#### B. Patent No.(s)

Additional numbers attached?  Yes  No

### 5. Name and address to whom correspondence concerning document should be mailed:

Name: Alison Blakey

Internal Address: \_\_\_\_\_

Street Address: Windrush Court, Watlington Road

City: Oxford, OX4 6LT, United Kingdom

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: 011 44 1865 782634

Fax Number: 011 44 1865 782601

Email Address: ablakey@prosidion.com

### 6. Total number of applications and patents involved: 44

### 7. Total fee (37 CFR 1.21(h) & 3.41) \$ 1,740.00

- Authorized to be charged by credit card  
 Authorized to be charged to deposit account  
 Enclosed  
 None required (government interest not affecting title)

### 8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 50-2783

Authorized User Name Shu Muk Lee

### 9. Signature:

Shu Muk Lee

Signature

11 April 2005

Date

Shu Muk Lee Reg # 41,147

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 4

## CONFIRMATORY ASSIGNMENT

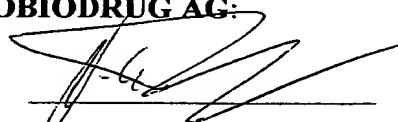
**WHEREAS PROBIODRUG AG** (formerly Probiодrugs Gesellschaft für Arzneimittelforschung mbH) of Weinbergweg 22, 06120 Halle/Saale, Germany with its seat in Halle and registered with the commercial register of the local court of Halle-Saalkreis under folio no. HRB 13719, ("Assignor") is owner of the US Patents and Patent Applications indicated in the schedule hereto ("Patents");

**WHEREAS Assignor** has by virtue of an Asset Transfer Agreement dated 17 June 2004 ("Asset Transfer Agreement") assigned the Patents to **PROSIDION LIMITED** (formerly OSI Diabetes Limited), a company registered in England and Wales under registered number 4600121 and having its registered office at Windrush Court, Watlington Road, Oxford, OX4 6LT, UK ("Assignee");

**NOW, THEREFORE**, to all whom it may concern be it known that **Assignor** having received good and valuable consideration from **Assignee** hereby confirms the assignment and transfer to **Assignee** with full title guarantee, free from all and any encumbrances, charges or other third party rights, of all right title and interest in the **Patents** including any continuation applications, divisional applications or continuation-in-part applications relating to such **Patents** and any patent applications or patents corresponding to or claiming priority from such **Patents** anywhere in the world and any extensions of the exclusivity granted in connection with such **Patents**, including but not limited to, extensions granted under the US Drug Price Competition and Patent Term Restoration Act 1984 and the EC Supplementary Protection Certificate Regulation (Council Regulation (EEC No 1768/92) and any legislation amending, replacing or implementing the foregoing; and including the right to recover and take all such proceedings as may be necessary for the recovery of damages or otherwise in respect of all infringements of any of the **Patents**, whether committed before or after the date of the **Asset Transfer Agreement**.

For **PROBIODRUG AG**:

Signed:



Name: Dr Hans-Ulrich Demuth

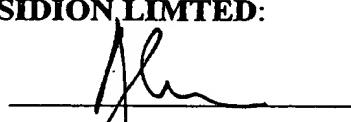
Capacity: Chief Executive Officer

Date:

21. 03. 2005

For **PROSIDION LIMITED**:

Signed:



Name: Dr Anker Lundemose

Capacity: Chief Executive Officer

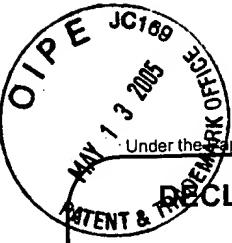
Date:

5. 04. 05

**SCHEDULE**

**PATENTS**

10/186177  
60/301158  
6500804  
10/216349  
11/069544  
10/196038  
10/200870  
60/194061  
90/006954  
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60/443417  
10/839122  
60/467914  
60/499535  
60/507408



PTO/SB/01 (08-03)

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Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	PBD-00018
First Named Inventor	Hans-Ulrich DEMUTH
COMPLETE IF KNOWN	
Application Number	09/745,883
Filing Date	21 December 2000
Art Unit	
Examiner Name	

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Compounds of Unstable DP IV-Inhibitors**

*(Title of the Invention)*

the specification of which

is attached hereto

**OR**

was filed on (MM/DD/YYYY) December 21, 2000 as United States Application Number or PCT International

Application Number 09/745,883 and was amended on (MM/DD/YYYY) October 15, 2002 (if applicable).

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I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	Certified Copy Attached? No
DE 198 28 114.5	Germany	June 24, 1998	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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## **DECLARATION – Supplemental Priority Data Sheet**

#### Foreign applications:

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
PCT/EP 99/04381 Under 35 U.S.C. Section 120 of any U.S. Application or Section 365(c) of a PCT International application designat- ing the United States.	PCT	June 24, 1999	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:  Customer Number: \_\_\_\_\_ OR  Correspondence address below

**Name**

Shu M. Lee

**Address**

OSI Pharmaceuticals, Inc., 58 South Service Road, Suite 110

**City**

Melville

**State**

New York

**ZIP**

11747

**Country**

USA

**Telephone**

631-962-2056

**Fax**

631-752-3880

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**

A petition has been filed for this unsigned inventor

**Given Name (first and middle [if any])**

Hans-Ulrich

**Family Name or Surname**

Demuth

Inventor's  
Signature

Date

**Residence: City**

Halle/Saale

**State****Country**

Germany

**Citizenship**

German

**Mailing Address**

Hegelstrasse 14, D-06114 Halle/Saale, Germany

**City**

Halle/Saale

**State****ZIP****Country**

Germany

**NAME OF SECOND INVENTOR:**

A petition has been filed for this unsigned inventor

**Given Name (first and middle [if any])**

Jorn

**Family Name or Surname**

Schmidt

Inventor's  
Signature

Date

**Residence: City**

Koln

**State****Country**

Germany

**Citizenship**

German

**Mailing Address**

Reinickstrasse 4, 51069 Koln, Germany

**City**

Koln

**State****ZIP****Country**

Germany



Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.



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<b>DECLARATION</b>		<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
		Page 4 of 4

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Torsten		Hoffmann	
Inventor's Signature			Date
Halle/Saale Residence: City	State	Germany Country	German Citizenship
Kernerstrasse 8, D-06114, Halle/Saale, Germany			
Mailing Address			
Halle/Saale City	State	Zip	Germany Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Konrad		Glund	
Inventor's Signature			Apr 1, 08, 2005 Date
Halle/Saale Residence: City	State	Germany Country	German Citizenship
Rusternweg 37, D-06120 Halle/Saale, Germany			
Mailing Address			
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First Named Inventor	Hans-Ulrich DEMUTH
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Application Number	09/745,883
Filing Date	21 December 2000
Art Unit	
Examiner Name	

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*(Title of the Invention)*

the specification of which

is attached hereto

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## Name

Shu M. Lee

## Address

OSI Pharmaceuticals, Inc., 58 South Service Road, Suite 110

## City

Melville

## State

New York

## ZIP

11747

## Country

USA

## Telephone

631-962-2056

## Fax

631-752-3880

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## NAME OF SOLE OR FIRST INVENTOR:



A petition has been filed for this unsigned inventor

## Given Name (first and middle [if any])

Hans-Ulrich

## Family Name or Surname

Demuth

## Inventor's Signature



## Date

April 6<sup>th</sup>, 2005

## Residence: City

Halle/Saale

## State

## Country

Germany

## Citizenship

German

## Mailing Address

Hegelstrasse 14, D-06114 Halle/Saale, Germany

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Halle/Saale

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Germany

## NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

## Given Name (first and middle [if any])

Jorn

## Family Name or Surname

Schmidt

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Koln

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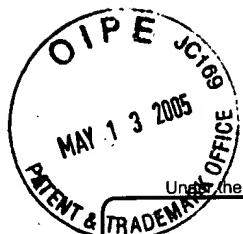
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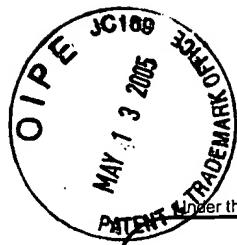
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Inventor's Signature		Date	
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Mailing Address			
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DE 198 28 114.5	Germany	June 24, 1998	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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PTO/SB/02B (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## **DECLARATION – Supplemental Priority Data Sheet**

#### **Foreign applications:**

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:  Customer Number:  OR  Correspondence address below

Shu M. Lee

**Address**

OSI Pharmaceuticals, Inc., 58 South Service Road, Suite 110

**City**

Melville

**State**

New York

**ZIP**

11747

**Country**

USA

**Telephone**

631-962-2056

**Fax**

631-752-3880

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Hans-Ulrich

Family Name or Surname

Demuth

Inventor's  
Signature

Date

**Residence: City**

Halle/Saale

**State****Country**

Germany

**Citizenship**

German

**Mailing Address**

Hegelstrasse 14, D-06114 Halle/Saale, Germany

**City**

Halle/Saale

**State****ZIP****Country**

Germany

**NAME OF SECOND INVENTOR:**

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Jorn

Family Name or Surname

Schmidt

Inventor's  
Signature

Date

**Residence: City**

Koln

**State****Country**

Germany

**Citizenship**

German

**Mailing Address**

Reinickstrasse 4, 51069 Koln, Germany

**City**

Koln

**State****ZIP****Country**

Germany



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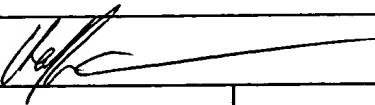


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**DECLARATION****ADDITIONAL INVENTOR(S)**

## Supplemental Sheet

Page 4 of 4

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Torsten		Hoffmann	
Inventor's Signature			
Halle/Saale Residence: City	State	Germany Country	German Citizenship
Komerstrasse 8, D-06114, Halle/Saale, Germany			
Mailing Address			
Halle/Saale City	State	Zip	Germany Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Konrad		Glund	
Inventor's Signature			
Halle/Saale Residence: City	State	Germany Country	German Citizenship
Rusternweg 37, D-06120 Halle/Saale, Germany			
Mailing Address			
Halle/Saale City	State	Zip	Germany Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature			
Residence: City	State	Country	Citizenship
Mailing Address			
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## DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	PBD-00018
First Named Inventor	Hans-Ulrich DEMUTH
<i>COMPLETE IF KNOWN</i>	
Application Number	09/745,883
Filing Date	21 December 2000
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Compounds of Unstable DP IV-Inhibitors

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) December 21, 2000 as United States Application Number or PCT International

Application Number 09/745,883 and was amended on (MM/DD/YYYY) October 15, 2002 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. *All information delivered to process drug*

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

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MAY 13 2005

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## **DECLARATION – Supplemental Priority Data Sheet**

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## Name

Shu M. Lee

## Address

OSI Pharmaceuticals, Inc., 58 South Service Road, Suite 110

## City

Melville

## State

New York

## ZIP

11747

## Country

USA

## Telephone

631-962-2056

## Fax

631-752-3880

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## NAME OF SOLE OR FIRST INVENTOR:



A petition has been filed for this unsigned inventor

## Given Name (first and middle [if any])

Hans-Ulrich

## Family Name or Surname

Demuth

Inventor's  
Signature

Date

## Residence: City

Halle/Saale

## State

## Country

Germany

## Citizenship

German

## Mailing Address

Hegelstrasse 14, D-06114 Halle/Saale, Germany

## City

Halle/Saale

## State

## ZIP

## Country

Germany

## NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

## Given Name (first and middle [if any])

Jorn

## Family Name or Surname

Schmidt

Inventor's  
Signature

Date

*10. April 05*

## Residence: City

Koln

## State

## Country

Germany

## Citizenship

German

## Mailing Address

Reinickstrasse 4, 51069 Koln, Germany

## City

Koln

## State

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## Country

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<b>DECLARATION</b>		<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
Page 4 of 4		

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Torsten		Hoffmann	
Inventor's Signature		Date	
Halle/Saale Residence: City	State	Germany Country	German Citizenship
Kernerstrasse 8, D-06114, Halle/Saale, Germany			
Mailing Address			
Halle/Saale City	State	Zip	Germany Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Konrad		Glund	
Inventor's Signature		Date	
Halle/Saale Residence: City	State	Germany Country	German Citizenship
Rusternweg 37, D-06120 Halle/Saale, Germany			
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